

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7099

BILL NUMBER: SB 400

NOTE PREPARED: Mar 5, 2010

BILL AMENDED: Mar 4, 2010

SUBJECT: Off-Road Vehicles.

FIRST AUTHOR: Sen. Yoder

FIRST SPONSOR: Rep. Austin

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Regulating Off-Road Vehicles.* This bill defines "all-terrain vehicle" (ATV) and "recreational off-highway vehicle" (ROV). It amends the definition of "off-road vehicle" for purposes of regulation of land recreation to specifically include ATVs and ROVs. The bill prohibits (1) a county, city, or town from adopting an ordinance; and (2) the Department of Natural Resources (DNR) from adopting a rule, regulation, or guideline; that imposes on off-road vehicles a dry weight limitation of less than 2,000 pounds. The bill cross-references the new ATV definition for purposes of excluding ATVs from requirements concerning the repurchase of farm or industrial machinery.

The bill provides that a governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the operation of an off-road vehicle by a non-governmental employee, or by a governmental employee not acting within the scope of the employment of the employee, on a public highway in a county road system outside the corporate limits of a city or town, unless the loss is the result of an act or omission amounting to gross negligence, willful or wanton misconduct, or intentional misconduct, with certain exceptions.

Off-Road Vehicles Used for Construction Purposes. This bill adds a 3-, 4-, or 6-wheeled construction-related motor vehicle that is: (1) capable of cross-country travel without the benefit of a road and on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain; and (2) used primarily for construction-related purposes; to the definition of "farm wagon" for purposes of the operation of the motor vehicle on highways.

Registration of Collector Snowmobiles. This bill requires a collector snowmobile to be registered with the Department of Natural Resources (DNR) in order to be operated on public property.

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Regulating Off-Road Vehicles.* This provision is within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Off-Road Vehicles Used for Construction Purposes. This provision should have no fiscal impact. Farm wagons are not titled and are not registered. It is not an off-road vehicle when used for construction purposes. A driver's license is not required to operate a farm wagon. Since it is not an off-road vehicle, there are no restrictions on highway travel except for travel on an interstate highway.

Registration of Collector Snowmobiles. The DNR may experience an increase in administrative expenses associated with adopting rules. However, the DNR should be able to cover any additional expenses given its existing level of resources.

Explanation of State Revenues: *Regulating Off-Road Vehicles.* The bill should result in more vehicle registrations. The fee per vehicle is \$30 for three years. The amount of additional revenue that this bill will generate is indeterminable at this time. Revenue generated from the fee is deposited in the Off-Road Vehicle and Snowmobile Fund, which is used for enforcement, construction, and maintenance of vehicle trails.

Registration of Collector Snowmobiles. The bill provides for a registration fee for collector snowmobiles. Assuming that 500 collector snowmobiles will be registered, additional revenue is estimated at \$15,000. Snowmobiles must be registered once every three years. Fees are deposited into the Off-road Vehicle and Snowmobile Fund, which is administered by the DNR and used for enforcement and the construction and maintenance of off-road vehicle and snowmobile trails. Generally, collector snowmobiles are used only during special events, such as parades and shows. The Treasurer of State invests money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Money in the fund at the end of the state fiscal year does not revert to the state General Fund.

Violators may be subject to a Class C infraction. The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Explanation of Local Expenditures: *Regulating Off-Road Vehicles.* The bill would impact local expenditures only if local units need to modify existing ordinances. Additionally, providing that local units are not liable under certain circumstances could protect local units from future additional expenditures.

Explanation of Local Revenues: *Registration of Collector Snowmobiles--Penalty Provision.* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

State Agencies Affected: DNR; Department of Transportation.

Local Agencies Affected: Counties, cities, and towns.

Information Sources: Don Amber, Indiana Vintage Snowmobile Association Board of Directors, 260-693-3266; Chris Smith, DNR.

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